

## AGRICULTURE DEPARTMENT

The 3rd January, 1989

No. 5193-Agri. II(5)-88/39A.—The Contributory Provident Fund-cum-Gratuity Rules of the National Horticulture Board, Ministry of Agriculture, Government of India, are published in the Official Gazette of Haryana Government, for general information of all concerned :—

- (i) "Bye-law" refers to the Bye-laws of the Board.
- (ii) "The Board" means the National Horticulture Board.
- (iii) "Assistant Accounts Officer/Accounts Officer" means such Officer as may be appointed in this behalf by the Board.
- (iv) A "Competent Authority" means the authority prescribed by the General Council of the Board for the purpose of these Rules ;

(v) "Family" means :—

- (a) In the case of male subscriber, the wife or wives and children of a subscriber, and the widow, or widows, and children of a deceased son of the subscriber :

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded ;

- (b) In the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber :

Provided that if a subscriber by notice in writing to the Assistant Accounts Officer/Accounts Officer express her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relates, unless the subscriber subsequently cancels such notice in writing.

*Note.*—Child means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber.

- (vi) "the fund" means the Provident Fund Constituted and established under clause 4 (xxxi) of the memorandum of Association of the Board.
- (vii) "Servant of the Board" means a salaried officer or servant appointed by the Board at its Headquarters or in an office under its administrative control.
- (viii) "Subscriber" means a member of the Fund.
- (ix) "emoluments" means pay, leave salary; or subsistence grant, as defined in the Fundamental Rules and includes :—
  - (a) dearness pay including interim relief appropriate to pay, leave salary, or subsistence grant, if admissible, and
  - (b) any remuneration of the nature of pay received in respect of foreign service.
- (x) any other expression employed in these rules which is defined either in the Provident Fund Act, 1925 (19 of 1925), or in the Contributory Provident Fund Rules (India) 1962, is used in the sense therein defined.

## CONSTITUTION OF FUND

3 (1) The fund shall be maintained in whole rupees.

(2) The fund shall be deemed to have been constituted and established from the 1st March, 1985 for the benefit of all regular employees of the Board.

4 (1) Subject to the provisions of Rules 3, subscription to the Fund shall be compulsory on all regular employees of the Board admitted by the council of the Board.

(2) The minimum rate of subscription to the Fund shall be one-twelfth of emoluments, and shall be founded to the nearest whole rupee, fifty paise counting as the next rupees.

(2) (i) The rate of subscription shall not exceed the emoluments in any case.

(3) Subscription shall be deducted monthly from the salary payable to each subscriber.

5. The funds shall consist of —

(a) Subscriptions and contributions which are to be credited to the Fund in accordance with these Rules.

(b) the income from investments made under Rule 7.

(c) the amounts at the credit of subscribers in the Provident Funds of their former employers which the Board may permit to be transferred to the respective accounts of subscribers to NHB Contributory Provident Fund, and

(d) the surplus in the Provident Funds of C.

#### MANAGEMENT OF THE FUND

6. The fund shall be vested in and managed by the Board and these rules shall be interpreted by the Board, whose decision shall be final and binding upon the subscribers.

7. All moneys from time to time received by the Board and not presently required for making any payments pursuant hereto, may be invested in such a manner as the Board may determine from time to time.

8. The Board shall contribute to the Fund on the 31st day of March, in each year a sum which shall be equal to the aggregate of the subscriptions of the subscribers at the minimum rates since the proceeding 1st day of April.

9. (1) A separate account shall be maintained for each subscriber and such account shall show :—

(i) his subscriptions;

(ii), contributions made under Rule 11 by the Board to his account;

(iii) interest, as provided by rule 12 on subscriptions ;

(iv) interest, as provided by Rule 12 on subscriptions ; and

(v) advances and withdrawals from the Fund.

(2) The accounts of the funds shall be made up yearly to the 31st day of March.

10. The accounts of the funds shall be consolidated at the Headquarters of the Board and the Receipt, and payment account prepared therefrom, shall be audited by the 'Auditors' of the Board.

11(1) The Board shall with effect from the 31st March of each year; make a contribution to the account of each subscriber:

Provided that if a subscriber quits the service or dies during a year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty :

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not, subscribe to the fund.

(2) The contribution shall be equal to  $1/12$  of the subscriber's emoluments drawn on duty during the year or period, as the case may be in accordance with the minimum rate of subscription prescribed in sub-rule (2) of rule 4:

Provided that if the amount subscribed is less than the minimum subscription payable by a subscriber, the contribution payable by the Board shall be equal to the amount actually paid by him.

(3) Should a subscriber elect to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(4) Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension the emoluments or portion of emoluments which may be allowed for that period on reinstatement, shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.

(5) The amount of any contribution payable in respect of a person on foreign service shall, unless it is received from the foreign employer recovered by the Board from the subscriber.

(6) The amount of contribution payable shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

12 (1) The Board shall pay to the credit of the account of a subscriber interest, incentive bonus at such rate as the Govt. of India may from time to time prescribe for the payment of interest incentive bonus on subscription to the General Provident Fund on the amount to his credit in the Fund.

(2) Interest incentive bonus shall be credited with effect from the 31st March, of each year in the following manner:—

- (i) on the amount to the credit of a subscriber on the 31st March, of the preceding year, less any sums withdrawn during the current year interest and incentive bonus for twelve months;
- (ii) on sums withdrawn during the current year interest from the 1st April, of the current year upto to the last day of the month preceding the month of withdrawn;
- (iii) on all sums credited to the subscriber's account after the 31st March of the preceding year interest from the date of deposit upto the 31st March of the current year;
- (iv) the total amount of interest shall be rounded to the nearest rupee in the manner provided in sub-rule (6) of Rule 11:

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect any of the period from the beginning of the current year or from the date of deposit; as the case may be, upto the date on which the amount standing to the credit of the subscriber become payable.

(3) The incentive bonus will also be admissible as admissible to the Central Government employees governed by CPF Rules of India, 1962.

13 (1) When the amount standing to the credit of a subscriber who has been dismissed from the service of the Board for grave misconduct, becomes payable, the Board may direct that the whole or any part of the contributions of the Board and of any interest accrued thereon shall be deducted from the amount standing to the credit of the subscriber, and such amount shall be refunded to the Board.

(2) When the amount standing to the credit of a subscriber, becomes payable to the Board may direct that any amount due under a liability incurred by the subscriber to the Board or the Central or State Government or University or Institute concerned up to the total amount of the contributions of the Board to the account of the subscriber with interest thereon, shall be deducted from the amount payable to the subscriber and that the amount so deducted shall be paid to the Board or the Government, University or Institute concerned or the Fund, as the case may be.

(3) When the amount standing to the credit of a subscriber becomes payable on his resignation from the service of the Board before having completed five years therein, the Board may direct that the whole or any part of the contribution of the Board to the credit of the account of such subscriber and of any interest accrued thereon, shall be deducted from the amount standing to the credit of the subscriber and the amount so deducted shall be refunded to the Board.

Notwithstanding the provision to Rule 3, the Board will not ordinarily direct any such deduction to be made in a case where :—

- (a) the subscriber has been transferred with the previous consent of the Board to Government service or service under a non-commercial quasi-government organisation or a University or Institute which provides for pensionary or provident fund benefits to its employees, or
- (b) the scheme on which the subscriber is employed has been terminated before the completion of five year's service as anticipated.
- (c) a subscriber establishes to the satisfaction of the Board that his retirement is necessitated by incapacity for further service.

15. Subject to Rule 14 the amount standing to the credit of a subscriber shall become payable only on the death or on the retirement or the subscriber from the service of the Board.

16. (1) The Board may sanction a temporary advance to a subscriber from the amount standing to his credit in the fund in respect of his own subscription and interest thereon in accordance with the provision *mutatis mutandis* of Contributory Provident Fund Rules (India), 1962.

(2) The Board may sanction withdrawals to a subscriber from the amount standing to his credit in the fund in respect of his own subscription and interest thereon in accordance with the provisions *mutatis mutandis* of contributory Provident Fund Rules (India), 1962 excepting that the powers of President referred to in those Rules, shall be exercised by the Executive Director of the Board.

17 (1) The account of a subscriber shall be closed—

- (a) in the event of his death on the next day thereafter, or
- (b) in the event of his retirement or dismissal from service of the Board on the day thereof, or as soon thereafter as possible.

(2) When the account of a subscriber is closed, such amount, if any, as admissible under Rules 11 and 12, shall be added thereto in respect of contribution and interest for the period after 31st day of March preceding the death, retirement or dismissal as the case may be, of the subscriber to the date of the closing of his account.

(3) In addition to any amount to be paid under sub-rule (2) of this Rule, interest shall be payable upto the end of the month preceding that in which payable is made or upto the end of the month preceding that in which payment is made or upto the end of sixth month after the month in which such amount become payable, whichever of these periods be less:

Provided that no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put on the post.

18 (1) A subscriber shall, at the time of joining the fund send to the Accounts Officer a nomination, conferring on one or more persons the right to receive the amount that may stand to his credit in the fund in the event of his death before that amount has become payable, or having become payable, has not been paid :

Provided that if at the time of making the nomination the subscriber has family, the nomination shall not be in favour of any persons other than the members of his family :

Provided further that the nomination made by the subscriber in respect of any other provident Fund to which he was subscribing before joining the fund, shall, if the amount to his credit in such other fund has been transferred to his credit in this fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner to cover the whole of the amount that may stand to his credit in the fund at any time.

(3) Every nomination shall be in such one of the Forms set forth in the first Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Assistance Account Officer/Accounts Officer. Subscriber shall alongwith such notice or separately send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination:-

(a) In respect of any specified nominee that in the event of the preceeding the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such manner to cover the whole of the amount payable to the nominee.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause(a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination under clause(a) of sub-rule (5) or on the occurrence of any event by reasons of which the nomination becomes invalid in pursuance of clause(b) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made and every notice of cancellation given, by a subscriber shall to the extent that it is valid, take effect, on the date on which it is received by the Accounts Officer.

19 Subject to any deduction under rule 14, on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(i) when the subscriber leaves a family:

(a) if a nomination made by the subscriber in accordance with the provisions of the rule 18 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in proportion specified in the nomination;

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount of the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family become payable to the members of his family in equal shares:

Provided that no share shall payable to :

(1) sons who have attained majority ;

(2) sons of a deceased son who have attained majority ;

(3) married daughters whose husbands are alive ;

(4) married daughters of a deceased son whose husbands are alive ; if there is any member of the family other than those specified in clauses (1), (2), (3), and (4).

Provided also that the widow or widows and the children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

**Note :—**Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

- (ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 18 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

**Note :—**When a nominee is a dependent of a subscriber in clause (c) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of that Act.

**Note :—**When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 18 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

#### 19(A) Deposit Linked Insurance Scheme

This will be introduced with effect from 1-12-84 as admissible to the Central Government employees on the same terms and conditions as given in Rule 35-A of the G.P.F. Rules of India, 1962, as amended from time to time.

20(1) As soon as possible after 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April, of year, the total amount of interest credited as on 31st March of the year and the closing balance on that date.

(2) Subscriber should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Accounts Officer within three months from [date of receipt of the statement.

21(1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under Rule 14, becomes payable, it shall be the duty of the Accounts Officer after satisfying himself, when no such deduction is to be made, to make payment on receipt of a written application in this behalf as provided in sub-rule (3).

(2) If the person to whom, under rules, any amount or policy is to be paid, assigned, re-assigned or delivered is a lunatic for whose estate a manager has been appointed in his behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery will be made to such manager, and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Accounts Officers. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

**Note :—**When the amount standing to the credit of a subscriber has become payable, the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

#### Gratuity

22 (1) An officer who has subscribed towards the Board Provident Fund for at least 5 Years under the CPF-Cum-Gratuity Scheme may be granted Gratuity not exceeding the amount specified in sub-paragraph (3) when he retires from service.

(2) If an officer who has completed 5 years as a subscriber of the NHB Provident Fund under the CPF-Cum-Gratuity Scheme dies while in service gratuity not exceeding the amount specified in subparagraph (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred.

(3) The amount of gratuity will be 1/4th of the 'emoluments' of an Officer for each completed six monthly period of service as a subscriber towards the NHB Provident Fund under the CPF-cum-Gratuity Scheme subject to a maximum of 16½ times the 'emoluments'. In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the 'emoluments' of the officer at the time of his death. Provided that in any case it shall not exceed the maximum limits of Gratuity admissible from time to time under the Death-cum-Retirement Gratuity rules admissible to the pensionable Central Government employees.

Provided further that the emoluments will also be subject to a limit of Rs. 2,500 per month or the maximum limits as admissible from time to time under DCRG Rules in the CSS (Pension) Rules.

*Note:*—The 'emoluments' for the purpose of Gratuity will have the same meaning as emoluments as defined in the CSS (Pension) Rules, 1972.

23. Unless otherwise, repugnant to the context, the provisions in the Contributory Provident Fund Rules of India 1962 and DCRG Rules in CSS (Pension) Rules 1972 as may be amended from time to time hereafter will be deemed to be applicable to the NHB CPF-cum-Gratuity Rules also, with effect from the respective dates as admissible to the central Government employees.

24. Provisions as laid down under Rule 1 to 23 are subject to revision/amendment/review from time to time as per the administrative instructions/guidelines which may be issued for regulating CPF Rules India 1962.

M. K. MIGLANI,

Commissioner and Secretary to Government, Haryana,  
Agriculture Department.

#### LABOUR AND EMPLOYMENT DEPARTMENT

The 4th January, 1989

No. 12 (428)-80-3Emp.—The Governor of Haryana is pleased to constitute the District Committee on Employment, Sirsa, consisting of the following members : —

1. Deputy Commissioner, Sirsa.	Chairman
2. Lead Bank Officer, Punjab National Bank, Sirsa.	Member
3. Chief Executive Officer, District Rural Development Agency, Sirsa.	Do
4. Chief Medical Officer, Sirsa.	Do
5. General Manager, Haryana Roadways, Sirsa.	Do
6. District Public Relations Officer, Sirsa.	Do
7. Superintending Engineer, P.W.D. (B. and R.), Sirsa.	Do
8. General Manager, District Industries Centre, Sirsa.	Do
9. District Education Officer, Sirsa.	Do

10. District Welfare Officer, Sirsa.	Member
11. Chief Executive Officer, Municipal Committee, Sirsa.	Do
12. Secretary, District Sainik Board, Sirsa.	Do
13. Principal, I.T.I., Sirsa.	Do
14. District Employment Officer, Sirsa.	Member-Secretary

## NON-OFFICIAL

1. General Manager, Gopi Chand Textile Mills, Sirsa.	Employer's Representative
2. Shri Dharam Singh Manager, the Sirsa District Labour Nirman Union, Sirsa.	Worker's Representative
3. Shri Jit Singh Pahlwan, Sarpanch, V.P.O. Khairpur, Sirsa (President Workers Union)	Member
4. R.S. Sangwan, Sangwani, Nursing Home, Sirsa.	Do
5. Dr. Mohinder Partap, R/o Lindesar (Sirsa).	Do
6. Sh. Hazar Chand Kamboj, M.L.A Sirsa.	Do
7. Shri Mani Ram M.L.A., Dabwali.	Do

2. The object of the committee would be to advise the District Employment Exchange, Sirsa on problems relating to employer creation of employment opportunities and working of the National Employment Service. Its functions would be as follows :—

- (i) to review employment information and to assess employment and un-employment trends, urban and rural and suggest measures for expanding employment opportunities.
- (ii) To advise on the development of the National Employment Service.
- (iii) To advise on development of personnel retrenched on the completion of Development projects.
- (iv) To consider special programmes relating to educated unemployed.
- (v) To advice on the development of Vocational Guidance and employment Counselling at Employment Exchanges, and
- (vi) To assess the requirement of trained craftsmen for advise of the National Counsel for Training in Vocational Trades.

3. The terms of the office of the member of the committee would be two years.

4. If a member of the committee fails to attend two consecutive meetings of the Committee without sufficient cause without previous intimation to the Chairman, he would be liable to be removed by the Govt. The members are expected to keep all information of confidential nature is secret unless authorised to disclose the same to the public.

5. This notification is issued with the concurrence of the Finance Department conveyed,—*vide* their U.O. No. 9(1)29-4FDIII/78/3293/88, dated 7th November, 1988.

Dated Chandigarh

The 15th November, 1988.

MEENAXI ANAND CHAUDHRY,

Commissioner and Secretary to Government, Haryana,  
Labour and Employment Department.